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An Act To Promote Efficiency in the Use of the Communications Equipment Fund

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Communications Equipment Fund provides specialized communications equipment to meet the communications needs of deaf, hard-of-hearing and speech-impaired persons and persons with disabilities; and

Whereas, changes in the allocation of money from the fund are necessary to increase the efficiency in the use of the fund and address critical communications equipment needs of deaf, hard-of-hearing and speech-impaired persons and persons with disabilities who rely on equipment provided by the fund; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §1419-A, sub-§2, as amended by PL 2005, c. 336, §1, is further amended to read:

2. Communications Equipment Fund. There is established the Communications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the universal service fund pursuant to Title 35-A, section 7104. The Division of Deafness may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and authorized appropriations must be deposited in the Communications Equipment Fund and disbursed in accordance with this section. The Communications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer communications equipment for deaf, hard-of-hearing or speech-impaired persons and persons with disabilities ~~and~~, for training in the use of such equipment and for administrative costs associated with these uses of the fund, except that funds received for the purposes of subsection 6 pursuant to Title 35-A, section 7104 may be used only in accordance with subsection 6. The Division of Deafness may draw on the Communications Equipment Fund in accordance with the communications equipment plan required under subsection 3.

Sec. 2. 26 MRSA §1419-A, sub-§6, as enacted by PL 2005, c. 336, §2, is amended to read:

6. Emergency alert telecommunications service. A person who has been certified by the Division of Deafness as being deaf or hard-of-hearing and has an income of less than 135% of the federal poverty level must receive a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency or a discount equal to the monthly service charge for any one-way pager that is used

to receive emergency alerts issued by any state or federal agency. Such a person using a wireless communications device or 2-way pager must receive a \$10 discount except when the service charge for the wireless communications device or 2-way pager is less than \$10 per month, in which case the person must receive a discount equal to the service charge for the wireless communications device or 2-way pager. A company required to provide the discount is entitled to recover amounts discounted from the Communications Equipment Fund established in subsection 2. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division of Deafness and for the process to be used by wireless and paging companies in recovering discounted revenue from the Communications Equipment Fund. Administrative costs associated with implementing this subsection may be paid from funds provided to the Communications Equipment Fund for the purposes of this subsection pursuant to Title 35-A, section 7104. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §7104, sub-§5, as repealed and replaced by PL 2005, c. 683, Pt. A, §59, is amended to read:

5. Funds for Communications Equipment Fund. The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A.

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional ~~\$37,500~~\$100,000.

The commission may, upon the request of the Department of Labor, Bureau of Rehabilitation Services and after a finding that the funds are necessary and that sufficient attempts have been made by the Bureau of Rehabilitation Services to maximize federal support to support emergency alert telecommunications service, annually transfer up to \$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07 and ~~up to \$120,000 in any subsequent fiscal year~~\$57,500 from the state universal service fund established by this section to the Communications Equipment Fund established under Title 26, section 1419-A for the exclusive purpose of supporting the discount program established under Title 26, section 1419-A, subsection 6.

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 4, 2007.